

COCOM Document No. 2869.87

March 16th, 1959COORDINATING COMMITTEERECORD OF DISCUSSIONONREVIEW OF THE STRATEGIC EXPORT CONTROLS - ADMINISTRATIVE PRINCIPLE NO. 3.March 9th, 1959

Present: Belgium(Luxembourg), Canada, Denmark, France, Germany, Italy, Japan, Netherlands, United Kingdom, United States.

References: COCOM 2401, 2869.5, 2869.55, 2869.57, 2869.61, 2869.64, 2869.72, 2869.73, 2869.76, 2869.80, 2869.82, 2869.84, 2869.85 and Secretariat Paper No. 102.

1. The CHAIRMAN recalled that at the last meeting the United States Delegate had proposed an addition (COCOM 2869.85, paragraph 3), which had been accepted by the German and Japanese Delegations, to the French Note to Administrative Principle No. 3. He invited Delegates to give the views of their authorities on the United States proposal.
2. The BELGIAN, FRENCH, NETHERLANDS and UNITED KINGDOM Delegates said that their authorities considered the United States proposal too vague and also unnecessary but in a spirit of compromise they were prepared to accept it in order to enable the Committee to reach agreement.
3. The CANADIAN and ITALIAN Delegates accepted the United States proposal ad referendum.
4. The UNITED STATES Delegate thanked the Members of the Committee for their favourable replies on the United States proposal and raised the question of including a reference to the desirability of submitting doubtful cases to the Committee. His authorities felt that such a reference would be useful although they did not insist upon it.
5. After a short discussion it seemed that the majority of the Committee did not favour the further reference proposed by the United States Delegate, several Delegations pointing out that their intention to bring doubtful cases before the Committee was already on record, and the COMMITTEE agreed that the final text of Administrative Principle No. 3 was as follows:

"The object of the embargo controls should not be defeated by the export of any non-embargoed item (including plants) containing one or more embargoed components when the embargoed component or components are the principle element of the item and can feasibly be removed or used for other purposes.

NOTE: In judging whether the embargoed component or components are to be considered the principal element, the exporting country should weigh the factors of quantity, value and technological know-how involved and other special circumstances which might establish the embargoed component or components as the principal element of the item being procured by the Sino-Soviet Bloc."